

Page 1 of 37

Permit No.: WA-002080-0

Issuance Date: September 15, 2006

Effective Date: November 1, 2006

Expiration Date: October 31, 2011

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT NO. WA-002080-0

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON 98902

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

CITY OF PROSSER
PUBLICLY-OWNED TREATMENT WORKS
601 7TH STREET
PROSSER, WA 99350

is authorized to discharge in accordance with the special and general conditions that follow.

Plant Location:

999 Grande Road
Prosser, WA 99350

Receiving Water:

Yakima River, River Mile 46.5

Water Body I.D. No.:

WA-37-1010 old

Discharge Location:

Latitude: 46° 12' 46" N

Longitude: 119° 45' 47" W

Plant Type:

Class 3: Primary clarification, trickling filter, intermediate clarification, sequencing batch reactor, anaerobic digester, chlorination and dechlorination

Denise E. Mills, LHG
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY OF PERMIT REPORT SUBMITTALS.....	4
SPECIAL CONDITIONS.....	5
S1. DISCHARGE LIMITATIONS	5
A. Effluent Limitations	5
B. Mixing Zone Descriptions	6
S2. MONITORING REQUIREMENTS	7
A. Monitoring Schedule.....	7
B. Sampling and Analytical Procedures	8
C. Flow Measurement.....	9
D. Laboratory Accreditation	9
E. Request for Reduction of Monitoring	9
S3. REPORTING AND RECORDING REQUIREMENTS	9
A. Reporting.....	10
B. Records Retention	10
C. Recording of Results.....	10
D. Additional Monitoring by the Permittee	11
E. Twenty-four Hour Notice of Noncompliance Reporting	11
F. Other Noncompliance Reporting	12
G. Maintaining a Copy of This Permit.....	12
S4. FACILITY LOADING	12
A. Design Criteria	12
B. Plans for Maintaining Adequate Capacity	12
C. Duty to Mitigate	13
D. Infiltration and Inflow Evaluation.....	13
E. Waste load Assessment.....	14
S5. OPERATION AND MAINTENANCE	14
A. Certified Operator	15
B. O & M Program	15
C. Short-term Reduction	15
D. Electrical Power Failure.....	15
E. Prevent Connection of Inflow	16
F. Bypass Procedures	16
G. Operations and Maintenance Manual.....	18
S6. PRETREATMENT	18
A. General Requirements.....	18
B. Wastewater Discharge Permit Required	19
C. Identification and Reporting of Existing, New, and Proposed Industrial Users	19
D. Pretreatment Report	19
E. Duty to Enforce Discharge Prohibitions	20

S7.	RESIDUAL SOLIDS	22
S8.	APPLICATION FOR PERMIT RENEWAL	22
S9.	SPILL PLAN.....	22
S10.	ACUTE TOXICITY	23
A.	Testing Requirements	23
B.	Sampling and Reporting Requirements	23
S11.	CHRONIC TOXICITY	25
A.	Effluent Limit for Chronic Toxicity.....	25
B.	Monitoring for Compliance with an Effluent Limit for Chronic Toxicity.....	25
C.	Response to Noncompliance with an Effluent Limit for Chronic Toxicity	26
D.	Sampling and Reporting Requirements	27
S12.	ADDITIONAL CHEMICAL ANALYSIS OF INFLUENT AND EFFLUENT.....	28
A.	Characterization of Influent and Effluent	28
B.	Protocols.....	29
C.	Quality Assurance/Quality Control Procedures.....	29
S13.	OUTFALL EVALUATION	29
GENERAL CONDITIONS		30
G1.	SIGNATURE AUTHORIZATION/DELEGATION.....	30
G2.	RIGHT OF INSPECTION AND ENTRY	31
G3.	PERMIT ACTIONS.....	31
G4.	REPORTING PLANNED CHANGES.....	32
G5.	PLAN REVIEW REQUIRED	33
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES	33
G7.	TRANSFER OF THIS PERMIT.....	33
G8.	REDUCED PRODUCTION FOR COMPLIANCE	34
G9.	REMOVED SUBSTANCES	34
G10.	DUTY TO PROVIDE INFORMATION	34
G11.	OTHER REQUIREMENTS OF 40 CFR.....	34
G12.	ADDITIONAL MONITORING	34
G13.	PAYMENT OF FEES	34
G14.	PENALTIES FOR VIOLATING PERMIT CONDITIONS.....	35
G15.	UPSET	35
G16.	PROPERTY RIGHTS	35
G17.	DUTY TO COMPLY.....	36
G18.	TOXIC POLLUTANTS.....	36
G19.	PENALTIES FOR TAMPERING	36
G20.	REPORTING ANTICIPATED NON-COMPLIANCE.....	36
G21.	REPORTING OTHER INFORMATION	36
G22.	COMPLIANCE SCHEDULES.....	37

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	December 15, 2006
S4.D.	Infiltration and Inflow Evaluation	1/permit cycle	October 31, 2010
S4.E.	Waste load Assessment	2/permit cycle	September 1, 2008
S5.G.	Operations and Maintenance Manual Update	As necessary	As needed
S6.D.	Pretreatment Report	1/permit cycle	January 15, 2010
S8.	Application for permit renewal	1/permit cycle	October 31, 2010
S9.	Spill Plan	As necessary	
S10.A.	Acute Toxicity Effluent Test Results	2/permit cycle	60 Days following sampling
S10.A.	Acute Toxicity Effluent Test Summary Report		October 31, 2010
S11.B.	Chronic Toxicity Compliance Monitoring Reports	2/year	60 Days following sampling
S11.C.	Additional compliance monitoring	As necessary	60 Days following receipt of last test result
S11.C.	Chronic Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	60 days following submittal of the additional compliance monitoring report
S11.C.	Chronic Toxicity TI/TRE Plan	As necessary	60 Days following receipt of test results
S11.D.9.	Chronic Toxicity Effluent Summary Report	1/permit cycle	October 31, 2010
S12.A.	Chemical Analysis of Influent and Effluent	2/permit cycle	December 31, 2007
S13.	Outfall Evaluation	1/permit cycle	October 31, 2010
G1.	Signature Authorization/Delegation	As necessary	
G4.	Reporting Planned Changes	As necessary	
G21.	Reporting Anticipated Non-compliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Effluent Limitations

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **November 1, 2006** and lasting through **October 31, 2011** the Permittee is authorized to discharge municipal wastewater to the Yakima River at the permitted location subject to complying with the following limitations:

EFFLUENT LIMITATIONS ^a : OUTFALL # 001		
Parameter	Average Monthly	Average Weekly
Carbonaceous Biochemical Oxygen Demand ^b (5 day)	10 mg/L; 150 lbs/day	15 mg/L; 225 lbs/day
Total Suspended Solids ^b	15 mg/L; 225 lbs/day	23 mg/L; 345 lbs/day
Fecal Coliform Bacteria	100 colonies/100 mL	200 colonies/100 mL
pH ^c	Between 6 and 9 at all times.	
Parameter	Average Monthly	Maximum Daily
Total Residual Chlorine	Not applicable	0.09 ^d ; 1.36 lbs/Day
Ammonia	4.4 mg/L; 66 lbs/Day	8.8 mg/L; 132 lbs/Day
Dissolved Oxygen	Not Applicable	Minimum 4.0 mg/L
Chronic WET Limit	The chronic toxicity limit shall be no statistically significant difference in test organism response between the chronic critical effluent concentration (CCEC), 2.5 % of the effluent, and the control. (See Special Condition S11. for further information.)	
a-The average monthly and weekly effluent limitations are based on the arithmetic mean of the samples taken with the exception of fecal coliform, which is based on the geometric mean.		
b-The average monthly effluent concentration for CBOD ₅ shall not exceed 10 mg/L or 5 percent of the respective monthly average influent concentrations and Total Suspended Solids shall not exceed 15 mg/L or 10 percent of the respective monthly average influent concentrations, whichever is more stringent.		
c-The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day.		
d- The Method Detection Level for Method 330.5 is 0.018 mg/L. The Quantification Level shall be 0.09 mg/L. The associated mass loading limit shall be 1.36 lbs/day. Exceedances of this limit shall not constitute an enforceable violation until the reported concentration meets or exceeds the 0.09 mg/L. The calculated limit is 0.033 mg/L and should a more sensitive test be approved during the permit term the limit shall revert to the calculated limit.		

B. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

The chronic mixing zone shall extend no more than **100 feet upstream**, nor more than **300 feet downstream** of the outfall. The chronic mixing zone shall extend no more than **10 feet to either side of the centerpoint** of the outfall. The chronic dilution factor is calculated to be **40:1**

The acute mixing zone shall extend no more than 30 feet downstream of the outfall. The acute dilution factor is calculated to be **4.3:1**.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

The Permittee shall monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Wastewater Influent	Flow	MGD	Headworks ^a	Continuous ^b	Metered
"	BOD ₅	mg/L	Headworks ^c	2/week ^d	24-hour Composite ^e
"	BOD ₅	lbs/day	Headworks	2/week	Calculation ^f
"	TSS	mg/L	Headworks	2/week	24-hour Composite
"	TSS	lbs/day	Headworks	2/week	Calculation
"	TKN	mg/L	Headworks	2/month ^g	24-hour Composite
"	TKN	lbs/day	Headworks	2/month	Calculation
Wastewater Effluent	Flow	MGD	Chlorine contact chamber ^h	Continuous	Metered
"	CBOD ₅	mg/L	Dechlorinator ⁱ	2/week	24-hour Composite
"	CBOD ₅	lbs/day	Dechlorinator	2/week	Calculation
"	CBOD ₅	% removal	"	1/month	Calculation
"	TSS	mg/L	Dechlorinator	2/week	24-hour Composite
"	TSS	lbs/day	"	2/week	Calculation
"	TSS	% removal	"	1/monthly	Calculation
"	NH ₃ , as N	mg/L	"	2/week	Grab ^j
"	NH ₃ , as N	lbs/day	"	2/week	Calculation
"	TRC ^k	mg/L	"	5/week ^l	Grab
"	TRC	lbs/day	"	5/week	Calculation
"	DO	mg/L	"	5/week	Grab
"	Temperature	°C	"	5/week	Grab
"	pH	Standard Units	"	5/week	Grab
"	Total Phosphorus ^m	mg/L	"	2/month	Grab
Pretreatment	As specified in Special Condition S6.				
Acute Toxicity Testing	As specified in Special Condition S10.				
Chronic Toxicity Testing	As specified in Special Condition S11.				

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Additional Chemical Analysis of Influent and Effluent	As specified in Special Condition S12.A.				
^a -Influent flow volume shall be measured at the magnetic flow meter located at the headworks before the screening and grit removal processes.					
^b -Continuous means uninterrupted, except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance.					
^c -Influent sampling for organic constituents shall occur at the composite sampler located after the screening and grit removal processes.					
^d -2/week means 2 times during each calendar week and on a rotational basis throughout the days of the week, excluding weekends and holidays.					
^e -24-hour composite means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample. Flow-proportional sampling should be used, if possible. In the event the composite sampler is not operational, 24-hour composite shall mean a series of at least 4 samples collected over the 24-hour period and combined into a container.					
^f -Mass loadings shall be calculated using the following formula: Concentration (in mg/L) X Flow (in MGD) X Conversion Factor (8.34) = lbs/day.					
^g -2/month means 2 times during each calendar month and on a rotational basis throughout the weeks of the month. Sampling shall not occur during consecutive weeks.					
^h - Effluent flow volume shall be measured at the magnetic flow meter located after the chlorine contact chamber.					
ⁱ -Effluent sampling for all constituents except flow volume shall occur at the composite sampler located after the dechlorination process.					
^j -Grab means an individual sample collected over a period of 15 minutes or less.					
^k -In the event the measured effluent residual chlorine concentration is below the Quantitation Level of 0.09 mg/L, the Permittee shall report NQ for non-quantifiable.					
^l -5/week means 5 times during each calendar week, excluding weekends and holidays.					
^m - The Permittee may after two years request a cessation of monitoring under Special Condition S2.E.					

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136 or to the latest revision of Standard Methods for the Examination of Water and Wastewater (APHA),

unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

E. Request for Reduction of Monitoring

The Permittee may request a reduction of the sampling frequency after 24 months of monitoring. The request shall: (1) be in written form, (2) clearly state the parameters for which the reduction in monitoring is being requested, and (3) clearly state the justification for the reduction, including statistical analyses. Any request for reduction in monitoring shall be granted at the Department's discretion and accomplished through an Administrative Order or permit modification.

S3. REPORTING AND RECORDING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on **November 1, 2006**. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. **DMR forms shall be postmarked or received by the Department no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit.** Priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period (see Special Condition S12.A pp. 29). Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to the **Permit Data Systems Manager, Department of Ecology, Central Regional Office, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902.**

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Department.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Twenty-four Hour Notice of Noncompliance Reporting

1. The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 509/575-2490, within 24 hours from the time the Permittee becomes aware of the circumstances:
 - a. any noncompliance that may endanger health or the environment;
 - b. any unanticipated bypass that exceeds any effluent limitation in the permit (See Part S5.F., "Bypass Procedures");
 - c. any upset that exceeds any effluent limitation in the permit (See G15, "Upset");
 - d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants listed in S1.A.; or
 - e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.
2. The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subpart E.1., above. The written submission must contain:
 - a. a description of the noncompliance and its cause;
 - b. the period of noncompliance, including exact dates and times;
 - c. the estimated time noncompliance is expected to continue if it has not been corrected;
 - d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and
 - e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
3. Ecology may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the noncompliance.
4. Reports must be submitted to the address in Special Condition 3. ("REPORTING AND RECORDKEEPING REQUIREMENTS").

F. Other Noncompliance Reporting

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring reports for Special Condition S3.A. ("Reporting") are submitted. The reports must contain the information listed in paragraph E above, ("Twenty-four Hour Notice of Noncompliance Reporting"). Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the facility and be made available upon request to Department of Ecology inspectors.

S4. FACILITY LOADING

A. Design Criteria

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded:

Parameter	Design Quantity
Average flow (max. monthly)	1.80 MGD
BOD ₅ influent loading (max. monthly)	6,750 lbs/day
TSS influent loading (max. monthly)	4,722 lbs/day
TKN (max. monthly)	325 lbs/day

B. Plans for Maintaining Adequate Capacity

The Permittee shall submit to the Department a plan and a schedule for continuing to maintain capacity when:

1. The actual flow or waste load reaches 85 percent of any one of the design criteria in Special Condition S4.A. for three consecutive months; or
2. The projected increase would reach design capacity within five years, whichever occurs first. If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit.

This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

If such a plan is required, it shall contain a plan and schedule for continuing to maintain capacity. The capacity as outlined in this plan must be sufficient to achieve the effluent limitations and other conditions of this permit. This plan shall address any of the following actions or any others necessary to meet the objective of maintaining capacity.

1. Analysis of the present design including the introduction of any process modifications that would establish the ability of the existing facility to achieve the effluent limits and other requirements of this permit at specific levels in excess of the existing design criteria specified in paragraph Special Condition S4.A. above.
2. Reduction or elimination of excessive infiltration and inflow of uncontaminated ground and surface water into the sewer system.
3. Limitation on future sewer extensions or connections or additional waste loads.
4. Modification or expansion of facilities necessary to accommodate increased flow or waste load.
5. Reduction of industrial or commercial flows or waste loads to allow for increasing sanitary flow or waste load.

Engineering documents associated with the plan must meet the requirements of WAC 173-240-060, "Engineering Report," and be approved by the Department prior to any construction. If the Permittee intends to apply for State or Federal funding for the design or construction of a facility project, the plan must also meet the requirements of a "Facility Plan" as described in 40 CFR 35.2030. The plan shall specify any contracts, ordinances, methods for financing, or other arrangements necessary to achieve this objective.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment

D. Infiltration and Inflow Evaluation

1. The Permittee shall conduct one infiltration and inflow evaluation. Refer to the U.S. EPA publication, *I/I Analysis and Project Certification*, available as Publication No. 97-03 at: Publications Office, Department of Ecology, PO Box

47600, Olympia, WA, 98504-7600. Plant monitoring records may be used to assess measurable infiltration and inflow.

2. The report shall be submitted to the Department with by **October 31, 2010**. The reports shall be prepared which summarizes any measurable infiltration and inflow. If infiltration and inflow have increased by more than 15 percent from that found in the most recent previous report (September 2005) based on equivalent rainfall, the report shall contain a plan and a schedule for: (1) locating the sources of infiltration and inflow; and (2) correcting the problem.
3. Any infiltration or inflow identified in segments of the collection system which are under or adjacent to surface water shall be further characterized for the existence of exfiltration.

E. Waste load Assessment

The Permittee shall conduct two assessments of its flow and waste load and submit the first report to the Department by **September 1, 2008** and the second report with the Permittee's application for permit renewal. The reports shall contain the following: an indication of compliance or noncompliance with the permit effluent limitations; a comparison between the existing and design monthly average dry weather and wet weather flows, peak flows, BOD, and total suspended solids loadings; and the percentage increase in these parameters since the first annual report. The report shall also state the present and design population or population equivalent, projected population growth rate, and the estimated date upon which the design capacity is projected to be reached, according to the most restrictive of the parameters above. The interval for review and reporting may be modified if the Department determines that a different frequency is sufficient.

S5. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Certified Operator

An operator certified for at least a Class III plant by the state of Washington shall be in responsible charge of the day-to-day operation of the wastewater treatment plant. An operator certified for at least a Class II plant shall be in charge during all regularly scheduled shifts.

B. O & M Program

The Permittee shall institute an adequate operation and maintenance program for the entire sewage system. Maintenance records shall be maintained on all major electrical and mechanical components of the treatment plant, as well as the sewage system and pumping stations. Such records shall clearly specify the frequency and type of maintenance recommended by the manufacturer and shall show the frequency and type of maintenance performed. These maintenance records shall be available for inspection at all times.

C. Short-term Reduction

If a Permittee contemplates a reduction in the level of treatment that would cause a violation of permit discharge limitations on a short-term basis for any reason, and such reduction cannot be avoided, the Permittee shall give written notification to the Department, if possible, 30 days prior to such activities, detailing the reasons for, length of time of, and the potential effects of the reduced level of treatment. This notification does not relieve the Permittee of its obligations under this permit.

D. Electrical Power Failure

The Permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated wastes or wastes not treated in accordance with the requirements of this permit during electrical power failure at the treatment plant and/or sewage lift stations either by means of alternate power sources, standby generator, or retention of inadequately treated wastes.

The Permittee shall maintain Reliability Class II (EPA 430/9-74-001) at the wastewater treatment plant, which requires a backup power source sufficient to operate all vital components and critical lighting and ventilation during peak wastewater flow conditions, except vital components used to support the secondary processes (i.e., mechanical aerators or aeration basin air compressors) need not be operable to full levels of treatment, but shall be sufficient to maintain the biota.

E. Prevent Connection of Inflow

The Permittee shall strictly enforce its sewer ordinances and not allow the connection of inflow (roof drains, foundation drains, etc.) to the sanitary sewer system.

F. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible at least 10 days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated and results in noncompliance of this permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. The Department is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is anticipated and has the potential to result in noncompliance of this permit

The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

G. Operations and Maintenance Manual

An approved Operations and Maintenance Manual (O&M) shall be kept available at the treatment plant and all operators shall follow the instructions and procedures of this manual.

The approved O&M Manual shall be reviewed annually and any changes shall be incorporated into the O&M Manual as needed. The O&M Manual shall be prepared by the Permittee in accordance with WAC 173-240-080 and be submitted to the Department for approval as needed. In addition to requirements of WAC 173-240-080 (1) through (5) the O&M Manual shall include:

1. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure.
2. Wastewater system maintenance procedures that contribute to the generation of process wastewater
3. Any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system (e.g. defining maximum allowable discharge rate for draining a tank, blocking all floor drains before beginning the overhaul of a stationary engine).
4. Minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the permit.
5. The treatment plant process control monitoring schedule.

S6. PRETREATMENT

A. General Requirements

The Permittee shall work with the Department to ensure that all commercial and industrial users of the publicly owned treatment works (POTW) are in compliance with the pretreatment regulations promulgated in 40 CFR Part 403 and any additional regulations that may be promulgated under Section 307(b) (pretreatment) and 308 (reporting) of the Federal Clean Water Act.

B. Wastewater Discharge Permit Required

The Permittee shall not allow significant industrial users (SIUs) to discharge wastewater to the Permittee's sewerage system until such user has received a wastewater discharge permit from the Department in accordance with Chapter 90.48 RCW and Chapter 173-216 WAC, as amended.

C. Identification and Reporting of Existing, New, and Proposed Industrial Users

1. The Permittee shall take continuous, routine measures to identify all existing, new, and proposed SIUs and potential significant industrial users (PSIUs) discharging or proposing to discharge to the Permittee's sewerage system (see Appendix B of Fact Sheet for definitions).
2. Within 30 days of becoming aware of an unpermitted existing, new, or proposed industrial user who may be an SIU, the Permittee shall notify such user by registered mail that, if classified as an SIU, they shall be required to apply to the Department and obtain a State Waste Discharge Permit. A copy of this notification letter shall also be sent to the Department within this same 30 day period.
3. The Permittee shall also notify all PSIUs, as they are identified, that if their classification should change to an SIU, they shall be required to apply to the Department for a State Waste Discharge Permit within 30 days of such change.

D. Pretreatment Report

The Permittee shall submit to the Department a Pretreatment Report. The report shall be a comprehensive and integrated assessment of all nondomestic discharges to the POTW. The report shall be received by the Department by **January 15, 2010**. The report shall consist of an updated Industrial User Survey and a Significant Industrial User Assessment.

1. Industrial User Survey

The Permittee shall update the existing Industrial User Survey.

- a. The Survey shall include a list of all dischargers of non-sanitary wastewater (non-domestic dischargers) to the POTW. Non-domestic dischargers shall be categorized as Significant Industrial Users or Minor Industrial Users (Minor Dischargers). Minor Dischargers shall be classified in groups with similar discharges. Examples include laundromats, supermarkets, medical and dental facilities.

- b. In addition, the survey shall include information from the Minor Dischargers on the approximate volume of non-sanitary wastewater discharged and the pollutants likely to be present in the discharge. The results of the survey shall be summarized:
- a list of all Significant Industrial Users,
 - a list of the Minor Dischargers who reported a chemical as being likely to be present in the discharge which is included in Tables II, III or IV of Appendix D of 40 CFR 122
 - the number of Minor Dischargers in each group of similar facilities and
 - the number of facilities identified as potentially being dischargers of non-sanitary wastewater and a characterization of the responses to the survey (no response to the survey, do not or no longer discharge non-sanitary wastewater, responded satisfactorily or gave an inadequate response).

2. Significant Industrial User Assessment

The Permittee shall develop a Significant Industrial User Assessment. The assessment shall cover all of the following items for each Significant Industrial User:

- Monthly average loading and loading for peak day and week each month for regulated parameters;
- Comparison of discharges with contract conditions and allocated design capacities.
- Listing of actions taken, and results achieved, in response to any discharges outside of contract limits;

E. Duty to Enforce Discharge Prohibitions

1. In accordance with 40 CFR 403.5(a), the Permittee shall not authorize or knowingly allow the discharge of any pollutants into its POTW which cause pass through or interference, or which otherwise violates general or specific discharge prohibitions contained in 40 CFR Part 403.5 or WAC-173-216-060.
2. The Permittee shall not authorize or knowingly allow the introduction of any of the following into their treatment works:
 - a. Pollutants which create a fire or explosion hazard in the POTW (including, but not limited to waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (°F) or 60 degrees Centigrade (°C) using the test methods specified in 40 CFR 261.21).

- b. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, or greater than 11.0 standard units, unless the works are specifically designed to accommodate such discharges.
 - c. Solid or viscous pollutants in amounts that could cause obstruction to the flow in sewers or otherwise interfere with the operation of the POTW.
 - d. Any pollutant, including oxygen demanding pollutants, (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.
 - e. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
 - f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity which may cause acute worker health and safety problems.
 - g. Heat in amounts that will inhibit biological activity in the POTW resulting in interference but in no case heat in such quantities such that the temperature at the POTW headworks exceeds 40°C (104°F) unless the Department, upon request of the Permittee, approves, in writing, alternate temperature limits.
 - h. Any trucked or hauled pollutants, except at discharge points designated by the Permittee.
 - i. Wastewaters prohibited to be discharged to the POTW by the Dangerous Waste Regulations (Chapter 173-303 WAC), unless authorized under the Domestic Sewage Exclusion (WAC 173-303-071).
3. All of the following are prohibited from discharge to the POTW unless approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or the need to augment sewage flows due to septic conditions):
- a. Noncontact cooling water in significant volumes.
 - b. Stormwater, and other direct inflow sources.
 - c. Wastewaters significantly affecting system hydraulic loading, which do not require treatment, or would not be afforded a significant degree of treatment by the system.
4. The Permittee shall notify the Department if any industrial user violates the prohibitions listed in this section.

S7. RESIDUAL SOLIDS

Residual solids include screenings, grit, scum, primary sludge, waste activated sludge, and other solid waste. The Permittee shall store and handle all residual solids in such a manner so as to prevent their entry into state ground or surface waters. The Permittee shall not discharge leachate from residual solids to state surface or ground waters.

S8. APPLICATION FOR PERMIT RENEWAL

The Permittee shall submit an application for renewal of this permit by **October 31, 2010**.

S9. SPILL PLAN

The Permittee shall review the existing spill plan at least annually and update as needed. Changes to the plan shall be sent to the Department. The Plan and any supplements shall be followed throughout the term of the permit.

The updated Spill Control Plan shall include the following:

- A description of operator training to implement the Plan.
- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and petroleum products, materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or other materials which may become pollutants or cause pollution upon reaching state's waters.

Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

S10. ACUTE TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in March 2009 and once in September of 2009. The two species listed below shall be used on the sample. The Characterization Report shall be submitted to the Department within 60 days following sampling. A Summary Characterization Report shall be submitted to the Department by **October 31, 2010**. WET Test sampling shall occur concurrently, or as closely as possible, characterization of influent and effluent (Special Condition S12.A.).

The Permittee shall conduct acute toxicity testing on a series of five concentrations of effluent and a non-toxic control in order to be able to determine appropriate point estimates and an NOEC. This series of dilutions shall include the acute critical effluent concentration (ACEC). **The ACEC equals 23% effluent.** The percent survival in 100% effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

- 1) Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F)
- 2) Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F).

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on CD for electronic entry into the Department's database, then the Permittee shall send the CD to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Composite samples taken for toxicity testing shall be cooled to 0 to 6 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20°C at receipt. If a grab sample is received at the testing lab

within 4 hours after collection, it must be below 12°C at receipt. All other samples must be 0 to 6°C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 0 to 6°C in the dark from receipt until completion of the test.

3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or the most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual EPA/600/4-90/027F and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.
9. Reports of individual characterization or compliance test results shall be submitted to the Department within 60 days after each sample date.
10. The Permittee shall submit the Acute Toxicity Summary Report to the Department with its application for permit renewal.

S11. CHRONIC TOXICITY

A. Effluent Limit for Chronic Toxicity

The chronic toxicity limit is no statistically significant difference in test organism response between the chronic critical effluent concentration (CCEC), 2.5% of the effluent, and the non-toxic control.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Special Condition S1.B. pursuant to WAC 173-201A-100. **The CCEC equals 2.5 % effluent.**

In the event of failure to pass the test described in Special Condition S11.B. for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in Special Condition S11.C. are being met to the satisfaction of the Department.

B. Monitoring for Compliance with an Effluent Limit for Chronic Toxicity

The Permittee shall conduct monitoring to determine compliance with the effluent limit for chronic toxicity in the spring and fall of each year in the permit term. The chronic toxicity tests shall be performed using at a minimum the **CCEC (2.5% effluent)**, the **ACEC (23% effluent)**, and a non-toxic control. Chronic toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this Section. **A written report shall be submitted to the Department within 60 days after the sample date.** This written report shall contain the results of hypothesis testing conducted as described in this subsection using both the ACEC and CCEC versus the control. If in the event that no toxicity is found at the ACEC of 23% effluent during the proposed permit cycle a chronic WET limit may not be required in the next permit term.

Chronic toxicity tests shall be conducted with individual species (listed below) on a rotational basis and the most recent version of the protocols below. The test species shall be:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	<i>Pimephales promelas</i>	EPA/600/4-91/002
Water flea	<i>Ceriodaphnia dubia</i>	EPA/600/4-91/002
Alga	<i>Selenastrum capricornutum</i>	EPA/600/4-91/002

The Permittee is in violation of the effluent limit for chronic toxicity in Special Condition S11. A. and shall immediately implement Special Condition S11.C. if any chronic toxicity test conducted for compliance monitoring results in a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the non-toxic control.

C. Response to Noncompliance with an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection Special Condition S11.B. results in a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in Special Condition S11.B. The discharger shall return to the original monitoring frequency in Special Condition S11.B. after completion of the additional compliance monitoring. **A written report shall be submitted to the Department within 60 days after the last sample date.**

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous. If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department **within 60 days following submittal of the additional compliance monitoring report** on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department **within 60 days after the sample date**. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

D. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on CD for electronic entry into the Department's database, then the Permittee shall send the CD to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual EPA/600/4-90/002 and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or

anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. Final effluent samples for whole effluent toxicity testing shall be chemically dechlorinated with sodium thiosulfate just prior to test initiation. No more sodium thiosulfate shall be added than is necessary to neutralize the chlorine.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a non-toxic control. The series of concentrations must include the CCEC and the ACEC. The CCEC and the ACEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.
8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.
9. The Permittee shall submit a Chronic WET Testing Summary Report, summarizing the results of all chronic WET Testing that has occurred during the permit cycle by **October 31, 2010**.

S12. ADDITIONAL CHEMICAL ANALYSIS OF INFLUENT AND EFFLUENT

A. Characterization of Influent and Effluent

Priority pollutant scans shall be conducted on influent and effluent samples twice during the term of this permit. Sampling shall occur during **September 2007** and **September 2009**. Sampling events shall occur concurrently, or as closely as possible, with WET Test sampling (Special Conditions S10. and S11.). Samples of influent and effluent shall be 24-hour composites (a minimum of six individual grab samples).

The pollutants to be analyzed for are those listed in Tables II and II of Appendix D of 40 CFR Part 122, as amended. Sample analysis and quality control assurance procedures shall be conducted in accordance with 40 CFR Part 136.

The first **Analysis of Influent and Effluent Report** describing results of the first sampling event shall be received by the Department by **December 31, 2007**. The report of results of the second sampling event shall be received by the Department by **December 31, 2009**.

B. Protocols

Sample analysis shall be conducted in accordance with 40 CFR Part 136.

C. Quality Assurance/Quality Control Procedures

The Permittee shall follow the quality assurance procedures of 40 CFR Part 136.

S13. OUTFALL EVALUATION

The Permittee shall inspect the submerged portion of the outfall line and diffuser to document its integrity and continued function between **December 2009** and **June 2010**. If conditions allow for a photographic verification, it shall be included in the report. The inspection report shall be submitted to the Department by **October 31, 2010**.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or a ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false

information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 7. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
1. A material change in the condition of the waters of the state.
 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
 5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7 of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of

permit limits or not specifically authorized by this permit constitutes a violation of the terms and conditions of this permit.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph (B) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If

this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G15. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during noncritical water quality periods and carried out in a manner approved by the Department.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the Department, it shall promptly submit such facts or information.

G22. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.